



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3077

## COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS

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### Voting Members:

Ron Menor, Chair  
Carol Fukunaga, Vice-Chair  
Ikaika Anderson  
Brandon J.C. Elefante  
Ann H. Kobayashi  
Joey Manahan  
Ernest Y. Martin  
Trevor Ozawa  
Kymberly Marcos Pine

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## MINUTES

REGULAR MEETING  
TUESDAY, MARCH 7, 2017

COUNCIL COMMITTEE MEETING ROOM  
2<sup>ND</sup> FLOOR, HONOLULU HALE  
HONOLULU, HAWAII 96813

*Note: A copy of the video of the full proceedings of this meeting may be requested by calling the City Clerk's Office at 768-5822.*

### CALL TO ORDER

The regular meeting of the Committee on Executive Matters and Legal Affairs was called to order by Committee Chair Ron Menor at 1:12 p.m. Voting Members Anderson, Elefante, Fukunaga, Kobayashi, Manahan, Martin, Ozawa, and Pine were present at the meeting.

### STAFF PRESENT

Corinne Gallardo-Mata, Senior Advisor to Committee Chair Menor  
Alden Lum, Attorney, Office of Council Services  
Denisse Gee, Analyst, Office of Council Services  
Amy Kondo, Deputy Corporation Counsel, Department of the Corporation Counsel,  
assigned to the Committee  
Gail Murayama, Council Committee Aide, Office of the City Clerk

### **ORDER OF BUSINESS**

#### APPROVAL OF MINUTES

The minutes of the Committee on Executive Matters and Legal Affairs meeting of February 7, 2017 were approved as circulated.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN,  
MARTIN, PINE, MENOR – 8.

NOES: None

EXCUSED: OZAWA – 1.

## SUNSHINE ITEM

Prior to the consideration of Executive Session items, Committee Chair Menor requested that Bill 13 (2017), posted on the addendum agenda, be placed on the Committee's agenda for action. Pursuant to Hawaii Revised Statutes Chapter 92, Bill 13 (2017) was added to the agenda with no objections from the eight members present.

### BILL 13 (2017) – COMMITTEE REPORT 81

**PUBLIC SIDEWALKS.** Amending the law relating to sitting or lying on public sidewalks in areas zoned for commercial and business activities to include certain sidewalks in Kalihi and Iwilei.

**PROPOSED CD1 TO BILL 13 (2017)** (Submitted by Councilmember Manahan) – The CD1 (OCS2017-0225/3/3/2017 3:43 PM) makes the following amendments:

1. Amends SECTION 2 of the bill as follows:
  - a) Revises proposed new subdivision (a)(16) of ROH Section 29-15A.2 to delete the portions of the proposed Kalihi zone and the street segments ewa of Waiakamilo Road. The revised subdivision now reads as follows:

"(16) Kalihi. The Kalihi zone is the area of the city bounded by the following streets as illustrated in attached Exhibit 16:

    - Starting at the intersection of Waiakamilo Road/North King Street,
    - North King Street to the intersection of North King Street/Kohou Street,
    - Kohou Street to the intersection of Kohou Street/Dillingham Boulevard,
    - Dillingham Boulevard to the intersection of Dillingham Boulevard/Waiakamilo Road,
    - Waiakamilo Road to the intersection of Waiakamilo Road/North King Street."

Makes conforming amendments to the Kalihi zone map Exhibit 16).

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- b) Revises proposed new subdivision (a)(17) of ROH Section 29-15A.2 to read as follows:

"(17) Iwilei. The Iwilei street segments include the following streets as illustrated in attached Exhibit 17:

- Iwilei Road beginning at the intersection of Iwilei Road/Pacific Street and ending at the intersection of Iwilei Road/North King Street,
- Sumner Street beginning at the intersection of Sumner Street/Pine Street and ending at the intersection of Sumner Street/North Nimitz Highway,
- Pine Street beginning at the intersection of Pine Street/Sumner Street and ending at the intersection of Pine Street/Kuwili Street, and
- Kuwili Street beginning at the dead end mauka of Pine Street and ending at the intersection of Kuwili Street/Iwilei Road."

Makes technical amendments to the Iwilei street segment map (Exhibit 17).

2. Makes miscellaneous technical and nonsubstantive amendments.

Administration/Others

Ross Sasamura, Director, Department of Facility Maintenance (DFM)

Major Allan Nagata, District 1, Honolulu Police Department (HPD)

Captain Steven Silva, District 5, HPD

Dr. Christopher Happy, Medical Examiner, Department of the Medical Examiner (MED)

Committee Member Manahan provided a brief summary of the Bill which expands the current Kapalama Canal sit-lie prohibitions to adjacent areas and certain portions of Iwilei. The Committee Member emphasized that the Bill is meant to provide relief for area businesses from encampments which currently block sidewalks and access ways. Committee Member Manahan noted that the proposed CD1 version removes residential areas from the Bill.

Director Sasamura testified that the DFM works in partnership with the HPD in enforcing the provisions of the sit-lie ordinance.

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Major Nagata testified that the HPD takes a neutral position on Bill 13 but would enforce all provisions should the Bill become law.

Dr. Happy provided comments regarding the impact homeless encampments have on the Department's Iwilei office.

The following individuals testified:

1. Rick Gray (support)
2. Kimo Carvalho, The Institute for Human Services (support)
3. Karen Carlen (support) (M-906)
4. Larry Brown (support) (M-904)
5. Susan Morita, Menhune Mac (support) (M-915)
6. Janelle Thomas (support)
7. Tiffany Lizares (support) (P-4)
8. Philip Richardson (support)

In response to Committee Member Pine's question regarding the HPD's response to criminal activity within the encampments, Major Nagata stated that the Department addresses complaints as they are received. He noted that, while the HPD tries to be proactive, the Department is not able to constantly monitor one area. He further noted that the majority of complaints received by the HPD are submitted anonymously and do not allow for any police follow-up.

Committee Member Pine requested that the Department provide Councilmembers with the number of arrests for illegal activity within the Kalihi/Iwilei corridor.

Committee Chair Menor echoed Committee Member Pine's concerns regarding criminal activity within homeless encampments.

Committee Chair Menor recommended that Bill 13 be amended to the posted CD1.

Committee Member Elefante acknowledged the concerns voiced by the introducer of the Bill, but noted that he has always opposed sit-lie measures because they do not solve the problems they purport to solve.

Bill 13 (2017) amended to CD1 (OCS2017-0225/3/3/2017 3:43 PM).

AYES: ANDERSON, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN,  
PINE, OZAWA, MENOR – 8.

NOES: ELEFANTE – 1.

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Committee Chair Menor further recommended that Bill 13, CD1 be reported out for passage on second reading.

Committee Member Martin concurred with the Committee Chair's recommendation. The Committee Member recounted a prior excursion to the area and noted how dangerous the neighborhood had become. He stated that the Council has invested significant resources towards housing the homeless but he recognizes that the City needs tools such as sit-lie measures to compel homeless individuals to seek help.

Committee Member Martin proposed a friendly amendment to include the provisions of a similar bill introduced by Committee Member Kobayashi.

Committee Member Pine voiced her concern that the illegal incidences brought forth by the public would not be addressed through sit-lie legislation. She stated that the solution to the problems facing Kalihi/Iwilei businesses should target the criminal activity itself.

Committee Member Manahan thanked the Administration, community members, and fellow councilmembers for working with him to help draft the proposed Bill.

Committee Member Kobayashi thanked Committee Member Martin for his consideration for the Kapahulu/McCully/Moiliili neighborhoods.

Committee Member Ozawa stressed that the City must first deal with the sanitation problems and quickly move forward with the hygiene center.

Committee Member Anderson urged community members who witness criminal activity to call the HPD and meet with responding officers. The Committee Member acknowledged that sit-lie legislation, while not a panacea, is needed to encourage homeless individuals to seek assistance.

Committee Member Martin stated that all council districts should look for opportunities to provide hygiene centers, navigation centers, or areas of refuge.

Bill 13 (2017), CD1 reported out for passage on second reading and scheduling of a public hearing.

AYES: ANDERSON, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN,  
OZAWA, MENOR – 7.

NOES: ELEFANTE, PINE – 2.

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Related communications:

M-903	Jon Anderson (support)
M-904	Larry Brown, submitting photographs of homeless encampments.
M-905	Jimmie Bush, I Love Country Café (comments)
M-906	Karen Carlen, submitting photographs of homeless encampments.
M-907	Daniel Mar Chong (support)
M-908	Kamuela Cobb-Adams, Kamehameha Schools (support)
M-909	Adrian de la Garza (comments)
M-910	Mandy Finlay, Advocacy Coordinator, ACLU of Hawaii (oppose)
M-911	Dennis Freitas (support)
M-912	Mae Leong (support)
M-913	Tim M, Lowe's Home Improvement (support)
M-914	Albert Medeiros, A & A Motor Werkes (support)
M-915	Susan Morita, Menehune Mac Chocolate Factory (support)
M-916	Todd Nitta, NT Automotive LLC (support)
M-917	Veronique Nguyen (comments)
M-918	Dennis Vo (support)
M-919	Gary Yoshioka, Diamond Bakery, Co., Ltd. (support)
M-982	Keane Tanaka (support) (submitted after the meeting)
P-4	Tiffany Lizares (34 signatures in support)

RECESS / RECONVENE

At 2:37 p.m. Committee Chair Menor recessed the Committee on Executive Matters and Legal Affairs meeting to allow for the special meeting of the City Council. At 2:54 p.m., with six members present (Anderson, Elefante, Kobayashi, Manahan, Pine, Menor), the Committee Chair reconvened the meeting and continued with the order of the agenda.

EXECUTIVE SESSION

Before convening into Executive Session, the Committee Chair called for public testimony on Agenda Items 1, 2, and 3, as posted on the agenda. At 2:55 p.m., with no testifiers and with no objections from the six members present (Ayes: Anderson, Elefante, Kobayashi, Manahan, Pine, Menor – 6; Excused: Fukunaga, Martin, Ozawa – 3), the Committee resolved into a closed meeting pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), to consult with the attorneys for the Council's Committee on Executive Matters and Legal Affairs on questions and issues pertaining to claims and other matters on the Council's powers, duties, privileges, immunities and/or liabilities.

MEETING RESUMED IN OPEN SESSION

At 3:09 p.m., with six members present (Anderson, Elefante, Kobayashi, Manahan, Pine, Menor) the Committee resumed the meeting in open session.

1. COMMITTEE REPORT 83

To request authorization to settle a case against the City and County of Honolulu entitled Russell H. Ando, Individually and as Personal Representative of the Estate of Pauline Ando and Marshall H. Ando v. City and County of Honolulu, Civil No. 15-1-0134-01 BIA.

Committee Report 83 reported out for adoption.

AYES: ANDERSON, ELEFANTE, KOBAYASHI, MANAHAN, PINE,  
MENOR – 6.

NOES: None.

EXCUSED: FUKUNAGA, MARTIN, OZAWA – 3.

2. COMMITTEE REPORT 84

To request authorization to settle a case against the City and County of Honolulu entitled Darryl Funakoshi v. City and County of Honolulu, Civil No. 10-1-2610-12 JHC.

Committee Report 84 reported out for adoption.

AYES: ANDERSON, ELEFANTE, KOBAYASHI, MANAHAN, PINE,  
MENOR – 6.

NOES: None.

EXCUSED: FUKUNAGA, MARTIN, OZAWA – 3.

3. RESOLUTION 17-75 – COMMITTEE REPORT 82

Resolution to retain the services of Chung & Ikehara, ALC as Special Deputy Corporation Counsel to represent Chief Louis M. Kealoha in a legal action entitled Jonah K. Kaahu and Donna Liaka Marie Kaahu, husband and wife v. City and County of Honolulu, et al., Civil No. CV14-00266 HG/RLP.

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Resolution 17-75 reported out for adoption.

AYES:       ANDERSON, ELEFANTE, KOBAYASHI, MANAHAN, PINE,  
              MENOR – 6.

NOES:       None.

EXCUSED: FUKUNAGA, MARTIN, OZAWA – 3.

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:10 p.m.

Respectfully submitted,

GLEN I. TAKAHASHI  
City Clerk

gym

DATE APPROVED

April 4, 2017